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REPORT

OF THE

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Wardens of Christ's Church,

MADE AT A REGULAR

EASTER MEETING OF THE PROPRIETORS,

APRIL 9, 1855.

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It being the duty of the Wardens, by long continued custom, to report at each Annual Easter Meeting the condition of the Parish, and such other matters as, in their opinion, the Proprietors may desire to know, the undersigned respectfully submit the following

REPORT:

At the last Easter Meeting, for reasons which will appear in the course of this Communication, only a partial report was made, and the present will embrace the Report for the years 1853 and 1854, to Easter of 1855.

We regret to say that, during the interval of two years now past, the prosperity of the Church has not increased; but, on the contrary, it has never been at so low a point as at the present, so far as we know of our own knowledge, or can judge from the perusal of the records.

Dissensions, irreconcilable and bitter, now exist where, ever before during our period of service, a cordial co-operation of all for the good of the Parish, was the motive which actuated us.

While this state of dissension exists, we are like a house divided against itself, and we cannot hope to prosper.

Such a state of things cannot exist without a cause, and we deem it due to you and to ourselves to give, in as brief a manner as may be consistent with a proper statement of the facts, the occurrences which have, as we believe, led to this unfortunate result.

It is now well known that there does not exist between Mr. Smithett and the Wardens that state of feeling which should exist.

That you may fully ascertain why this is so, it is necessary to go back to Easter, 1853.

It is true that before this there were some unpleasant occurrences, but more of a private character with which we will not trouble you, but confine ourselves entirely to those occurrences which took place in our Meetings, and were open to all of you.

The Annual Easter Meeting was as fully attended as usual, and the ordinary business transacted, relating to the election of officers and the other usual business of the Session. As you well know, it has always been the custom with the Rector of this Church to withdraw from the meeting, if present, (which it was not often the case,) when the subject of the Rector's salary came up for discussion, for reasons too obvious to gentlemen to require further remark.

The present incumbent remained, and took up by far the larger part of the time used in the discussion of the subject. Among the assertions, assumptions and views of Church policy and government with which he favored the meeting until near midnight, we believe may be found the origin of the troubles which now disturb our peace.

The subject of the Reverend incumbent's discourse at this time was Money. He remarked generally that his salary was inadequate to his support; that he had a right to expect a larger salary; that he ought to have the amount voted to him when he came here, and the rent of a house in addition. That he did not wish the Parish to pay, but to vote him the sum, and he would get it upon a subscription, out of the Church.

At this time he was receiving double the amount we told him he could depend upon when he of his own will elected to come, and with how much pertinacity he forced himself on us you well know.

It is sufficient to say that at that time we paid him all we ever agreed to pay—all that he ever had a right to expect; and more than we promised at the time he came. These are the facts. The question of adequacy of salary is another thing, having no connection with them.

There were strong objections on the part of the Wardens, and also with many of the oldest proprietors with whom we have in times past consulted, against a further increase of the amount then received by subscription outside the Church. At the time that subscription commenced it was for a temporary purpose, and was expected by all to diminish rather than to increase. No one doubted but that, with a

suitable Rector, the Parish would be able to sustain itself. Under these circumstances, we could not agree to have the subscription increased.

The subject was finally determined at the late hour before mentioned, by voting him everything of income from pew taxes and subscriptions, beyond the small amount reserved for current expenses.

During the discussion of the subject by him, *he stated that the rent of the house in Salem Street belonged to him*, and *that he had a right to the occupation of it;* that the lease and other papers executed by the Wardens, by direction and with the approbation of the proprietors, *were null and void, because he had not approved of them.*

The estate in Chambers Street is vested in the Wardens as trustees, and they have the sole control of it; but have always consulted with the proprietors in relation to the leases, and have acted under their advice. Mr. Smithett has nothing to do with it.

The estate in Salem Street was leased for a term of years long before we had the pleasure of knowing the Reverend gentleman, and probably *before the time he arrived in this country;* and there is no reason to doubt that they (the leases) are as good and valid as they are advantageous to the Church.

From the conduct of the Reverend incumbent at this meeting,—from the official intercourse with him, and other sources, we soon learned, in a manner not to be misapprehended, that he was *determined* if possible *to control the people, finances and property of the Church. Money and power were the two objects at which he aimed.*

His subsequent course proves this beyond the possibility of mistake. You will well understand that this course, and such views on the part of Mr. Smithett, were not well adapted to inspire feelings of reverence, or even respect. There were other occurrences, known to us, but which we will not state here, that were still less adapted to that end.

On Nov. 21st, 1853, a meeting was called for the purpose of considering the Report of the Committee on repairs.

The roof of the Church had been injured by fire, and in this work other repairs had been done which had exhausted our means, and debts to an amount of several hundred dollars were due, without the means of payment.

The Wardens attended this meeting with the determination to raise the money and pay off their debts, and knew of no other subject for

consideration at that meeting. It was with great surprise that they heard a motion made to lay the subject matter of the meeting on the table, and that motion voted yes by persons who had evidently come to the meeting with a private understanding.

This surprise was increased to astonishment to hear a proposition in writing made, carefully written, commencing by the recital of the well-known and much to be regretted fact, that the proprietors were diminishing, and that some unusual method must be taken to fill up our ranks.

The proposition was, to give deeds to certain young and energetic men, who would become regular worshippers, and identify themselves with the Church. That they should each pay *ten dollars* and give a note for a certain amount, and *that if they paid the taxes for three years they should receive back the note without further payment on their part.* This paper was offered by the late Dr. Bacon; we are glad to say he would not avow himself the author of it, nor take any responsibility in relation to the matter.

Who the originator of the project was we have no desire to know.

Upon the scrutiny of the list of the names of the young men who were proposed as wishing to become constant worshippers and to identify themselves with the Church, we found the name of the *Rev. Alexander Vinton, D. D., Rector of St. Paul's Church.* The readiness with which the late Dr. Bacon submitted the list, and the candor which he showed in the matter, enable us most happily to say, in honor to his memory, that he would no longer be a party to the project. We believe that he was acting under the erroneous impression that he was doing good, and that he had been misled by the specious and possibly false arguments *of another.*

The exalted position and character of Dr. Vinton is a sufficient refutation to the impudent assertion that he was a party to such a dishonorable transaction.

The object of this movement is so obvious that we will not trouble you with comments upon it.

It is well known that many of the proprietors did not attend the meetings, and that the duty of the Wardens is to look after the interests of all. Had they allowed such a transaction as this to take place without due notice to all parties, they would have been blame-worthy. It was resisted by them successfully, and immediate measures taken to

notify all interested of the facts. This led us to examine immediately and carefully our position, and the consequence was that there were doubts in relation to our legal organization. One of the most prominent defects was the legal qualification of our clerk, he not having been sworn.

The importance of this may be inferred from the inspection of the records of this meeting, where words are recorded as spoken by the Chairman which he did not utter, and which from the circumstances of the case he could not have uttered. We do not state this as being understood to say that the clerk at that time, Mr. A. H. Coffin, intentionally made a false record, but that had he been under the legal restraint provided by law, he would have been more careful of his record.

At a subsequent meeting Mr. Smithett attended as usual, and many remarks made by him confirmed us in the opinion that his intent was *to rule over us.* In short, to be the Pope of the Parish—or, to use his own words, "*I am the Head of the Parish, both spiritual and temporal.*" Towards the close of the meeting, to enforce this maxim, he, with voice and manner which would disgrace a cab-driver, shook his fist in the face of the Senior Warden, saying, "*I am your master, and I will let you know it.*"

Whatever respect remained in our minds toward Mr. Smithett, in virtue of his office, (for personal respect had long before departed,) vanished upon this exhibition of unrestrained passion and brutal conduct.

We need not tell you that we resisted this outrageous assumption, and have resisted it until now; it is due to you in defence of the trust reposed in us, and to ourselves as free men. We do not wish to be understood in this that we deny respect to the legal officers of the Church, but we will ever resist priestcraft, let it come in what form it may—it being inconsistent with piety and humility, which are the essential elements of reverence, and without which no clergyman should be respected.

In this state of our affairs we deemed it important that our legal position should be immediately examined. We placed the whole matter in the hands of a legal gentleman of undoubted ability and integrity, E. S. Rand, Esq. The questions submitted to him, and his answers, are upon the files of the Parish.

Under his advice the corporation was legally organized on the 24th

of May, the Easter Meeting having been adjourned to that time (24th of May, 1854).

At this meeting, as far as could be done, every vote of the corporation was represented.

We desired that the existing controversy should be settled by the old proprietors, or their legal representatives. We had it in our power at that time to create new proprietors, as you well know, but refrained from doing so. We trust that this fact is a sufficient refutation of the lies (for we can call them by no truer name) then circulated against us, that our object, in connection with others, was to turn the Church over to the Advent. We had the power; if it was then our desire, why did we not do it? Will those of you who have believed this report and circulated it, answer this question. For ourselves, at that time we would willingly have left the selection of a clergyman to any of you, with the only stipulation that he should be a Christian and a gentleman. Our desire and object was to get rid of an incumbent who we considered injurious to our welfare, and to have peace within ourselves.

At the organization before mentioned, the names of the proprietors and the pews owned by them were duly recorded, to which record we refer for the details.

From that time our effort has been constant, to place and keep the affairs of the Parish in legal and proper shape.

We have been opposed by the present incumbent, and certain persons banded with him, some of whom are non-proprietors, he acting as leader of this opposition.

At the time of the death of our respected friend, Dr. John Bacon, an informal meeting was held on Sunday, after service, to take such steps towards manifesting respect for his memory as the meeting might determine. Mr. Smithett was appointed Chairman for the occasion, and one of the proprietors clerk. Out of this accidental and informal meeting Mr. S. has endeavored to obtain the absolute control of the Parish and its temporal affairs, under pretence that at that time a vestry was organized, which was not the fact.

On the 29th of June, a proprietors' meeting was held by adjournment. At the time the meeting was about being called to order, the Reverend incumbent presented what he called deeds, ordered to be signed by the vestry, as he said. With a degree of rudeness not con-

sistent with his position, *he demanded our signatures forthwith.* The question was asked if we could examine them? The answer from him was, *"No; you will sign them forthwith, or not at all."*

It is not consistent with sound discretion, nor even with common sense, to sign a paper without knowing the contents. We declined to sign them then, but took them in possession for the purpose of examination and consideration.

Upon this occurred a scene disgraceful to any assembly, *led and promoted by the Reverend gentleman in person.* Police officers were called in, and the Reverend incumbent, with most violent language, ORDERED them to arrest the Junior Warden, *falsely accusing him with stealing his property.*

The officers presently seeing the merits of the matter, quietly withdrew, and the Session continued with confusion, dissension and noise, the Reverend incumbent taking the lead, until past 3 o'clock, A. M., when the meeting was finally adjourned. For the attack upon the Junior Warden, *he was prosecuted to conviction in a civil court.*

As it may be important hereafter, the Report of the case prepared for and published in the public prints which publish the court reports, is annexed to this Report.

At the subsequent meeting, held by adjournment from the last, Mr. Smithett was present as usual. His conduct was the same.

At this meeting, he notified the proprietors that "he did not care whether they voted him any salary or not; that he was prepared for any emergency; that he had refused an offer of $2000 per annum to take charge of a Church in Buffalo."

We could hardly believe that any persons in this diocese were willing to pay Mr. Smithett a large salary to remain here, nor could we see how he could be prepared for any emergency unless some provision had been made for him out of the Parish for his salary. We wrote to all the Churches in Buffalo in relation to the offer of $2000.

The answers received did not increase our confidence in the Reverend gentleman's truth and veracity, and we do not believe any part of the assertion above quoted.

This was the last regular meeting which Mr. Smithett attended. Under the alleged authority of the so-called vestry meeting before alluded to, and by his own personal superintendence and efforts, an illegal and spurious meeting was called by him, although a

regular meeting was then in existence, being adjourned to a day certain. At this illegal meeting a separate organization was made and officers elected, although at that time duly qualified officers were in authority; and several other proceedings were had, all of them, as we are advised, irregular and disorderly—*Mr. Smithett taking part and acting as leader of the whole.*

We considered it our duty to resist this proceeding, and we endeavored, under advice of counsel, to procure a speedy decision by a proper tribunal, as to our rights in the matter. Had it been decided against us, we should have been released from a responsibility we would gladly be rid of. In this we were resisted by the Reverend incumbent and his party. The court (as we doubt not, properly) decided that they had no jurisdiction in the form in which it was presented to the court, and the petition was dismissed. The question therefore remains undecided, but the opinion of counsel learned in the law, is that the whole proceeding objected to by us, is illegal. *Whether or not the conduct of Mr. Smithett is consistent with the office and character of a clergyman, requires no opinion.* Any one can decide the fact for himself.

Acting as before under the advice of counsel, we took measures to complete the organization of the corporation, and the necessary by-laws have been passed, and other matters arranged, so far as we have been able to arrange them, to complete our organization.

Under the pretence of the illegal organization before mentioned, and under the assumed prerogative that the office of *institution* made him *the Head, spiritual and temporal, of the Church, and with the assistance of persons not proprietors, he has undertaken to exercise entire control of the Parish.* And we regret to say, a part of the proprietors (a small part only, however) have sustained him in this course. The true and lawful officers of the corporation in the discharge of their duties, have on the Sabbath day been *assaulted and insulted,* and the *Senior Warden ejected with force and violence from the church, and that by foreigners, led on and encouraged by Mr. Smithett.* For the assault they were tried before the Police Court, and narrowly escaped conviction. It is not necessary for us to enlarge upon this matter; the transaction is well known to you all.

During this long controversy it has been our desire to preserve the rights of the proprietors and the property of the corporation from injury, and to restore our trust unimpaired to those from whom we received it.

Up to the last of December we had hoped to be able to do so. We have not spared time, money or personal effort on our part, and the expenditure has been greater than we can well afford, but we desired with patience and forbearance to wait until such time as those of the proprietors who had so far opposed us might see the folly of their course, and join with us in taking the proper course to dissolve the connection now existing with the present incumbent, who, we most confidently submit, has shown himself unworthy to hold the position he now holds, whatever may be the views, true or untrue, which you take of the course pursued by the Wardens.

In this reasonable expectation we have been disappointed, and we find to our regret that there are some who willingly bow their necks to the yoke of this man, of whom no one knows his origin, his antecedents, or anything concerning him, save that which we have seen here.

What there is in his course since his residence here, of the true and good, to inspire confidence, we would rejoice to know; for with the regret that we had done injustice in our estimate of him would be mixed the joy that one holding an ecclesiastical position in our Church was not so bad as we believed.

But, alas! the evidence of unrestrained passion, anger, vindictiveness, pride, assumption of power, and other matters already mentioned in this report, which disgrace the character of a clergyman, is too ample, and continued through too long a period of time, to leave a doubt upon our minds; and as faithful Wardens, we tell you that we have reason to believe, and do believe, that a longer connection of this man *with the Parish will be its ruin and disgrace.* We recommend for your consideration the expediency of taking immediate measures for terminating this connection.

Since last Easter the Parish has been so far disorganized, and more especially by the illegal organization before mentioned, that the financial position is worse than ever.

And more recently, the tenant of the estate in Chambers Street has been induced, by what means we know not, to pay, as he says, the rent to some person whom he calls "collector," and refuses to pay to us. As we recognize the right of no one to assume our trust in this manner, and know of no one authorized to receive these rents but ourselves, suits have been commenced to recover the rent, and also to get possession of the estate for breach of contract.

The receipts have been so small that after paying off the current expenses and interest due, there remained nothing to liquidate other claims for repairs on the church, long due, and for which the claimants made frequent application. To meet these demands, we have exercised the right vested in us to sell so much of the personal property in our hands as would raise this amount, and the sales have been made, in part, and the money expended for this purpose.

E. W. GODDARD, } *Wardens of*
WM. P. PARROTT, } *Christ Church.*

THE CHRIST CHURCH SLANDER CASE.

Court of Common Pleas.—Before Chief Justice Mellen.—W. P. Parrot *vs.* Wm. T. Smithett.—This was an action for slander brought by the plaintiff, who is one of the Wardens of Christ Church in this city, against the defendant, who is Rector of the same Church. A trial was had in the Justices' Court, before Hon. Abel Cushing, and judgment rendered for the plaintiff to the amount of $75.00, from which judgment the defendant appealed to this Court. The slanderous words alleged in the writ and proved to have been spoken, were as follows:—"He (meaning the plaintiff,) has committed a theft,—I will take my oath before Almighty God he has committed a theft, and has my property." It was also proved that this accusation was made to police officers for the purpose of procuring an arrest of the plaintiff. Upon the opening of the case to the jury, the plaintiff's counsel stated that the object of the suit was simply a vindication of the honor of his client, and not to seek vindictive damages. That if the defendant would retract the language spoken, the suit would under the direction of the Court, be discontinued, whereupon the following statement was drawn up by the defendant's counsel and signed by said Smithett:—

"*Parrott* vs. *Smithett.*—In this case, whatever words were spoken, were spoken with reference to plaintiff taking certain unsigned deeds, and so far and altogether as they charge a felonious intent were not true and unfounded, and spoken in heat and in the excitement of the moment.

William T. Smithett."